

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ANGEL RODRIGUEZ,

Plaintiff,

NO.

PORTFOLIO RECOVERY
ASSOCIATES, LLC,

Defendant.

PLAINTIFF'S COMPLAINT AND
DEMAND FOR JURY TRIAL
(Unlawful Debt Collection Practices)

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

11 ANGEL RODRIGUEZ (Plaintiff), through his attorneys, KROHN & MOSS, LTD.,
12 alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC, (Defendant)

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Defendant conducts business in the state of Washington, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

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2 **PARTIES**

3 5. Plaintiff is a natural person residing in Federal Way, King County, Washington.

4 6. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*.

5 7. Defendant is a national company with a business office in Norfolk, Virginia.

6 8. Defendant acted through its agents, employees, officers, members, directors, heirs,

7 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

9 **FACTUAL ALLEGATIONS**

10 9. On or about December 5, 2010, Defendant began placing collection calls to Plaintiff from
11 many numbers including but not limited to 1-412-282-1420.

12 10. Defendant asks Plaintiff if it can speak with Tracy.

13 11. Plaintiff informed Defendant on at least ten separate occasions there is no one named Tracy
14 at this telephone number and to stop calling.

15 12. Despite this information, Defendant continues to call Plaintiff's telephone number and
16 continued to ask for Tracy.

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18 **COUNT I**

19 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

20 13. Defendant violated the FDCPA based on the following:

21 a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the
22 natural result is the abuse and harassment of the Plaintiff.

23 b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring
24 repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

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27 WHEREFORE, Plaintiff, ANGEL RODRIGUEZ, respectfully requests judgment be
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1 entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

2 14. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

3 15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15*

4 *U.S.C. 1692k*

5 16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ANGEL RODRIGUEZ, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

12 DATED: April 7, 2011 KROHN & MOSS, LTD.

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14 By: /s/ Sharon Cousineau
15 Sharon Cousineau (Local Cou
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2 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

3 STATE OF WASHINGTON

4 Plaintiff, ANGEL RODRIGUEZ, states the following:

- 5 1. I am the Plaintiff in this civil proceeding.
- 6 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
- 7 that all of the facts contained in it are true, to the best of my knowledge, information and
- 8 belief formed after reasonable inquiry.
- 9 3. I believe that this civil Complaint is well grounded in fact and warranted by existing law
- 10 or by a good faith argument for the extension, modification or reversal of existing law.
- 11 4. I believe that this civil Complaint is not interposed for any improper purpose, such as to
- 12 harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
- 13 needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
- 14 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this
7. Complaint is a true and correct copy of the original.
8. Except for clearly indicated redactions made by my attorneys where appropriate, I have
9. not altered, changed, modified or fabricated these exhibits, except that some of the
10. attached exhibits may contain some of my own handwritten notations.

11 Pursuant to 28 U.S.C. § 1746(2), I, ANGEL RODRIGUEZ, hereby declare (or certify,

12 verify or state) under penalty of perjury that the foregoing is true and correct.

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4/07/2011

14 Date


ANGEL RODRIGUEZ

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